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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,124	11/05/1999	EIICHI HOSHINO	0649-0706P-S	3521

7590

02/15/2002

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EXAMINER

TSOY, ELENA

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 02/15/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-5

Office Action Summary	Application No. 09/434,124	Applicant(s) HOSHINO ET AL.	
	Examiner Elena Tsoy	Art Unit 1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☒ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Amendment filed on December 12, 2001 has been entered.

Specification

2. Objection to the disclosure has been withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Rejection of claim 3 has been withdrawn.
5. Rejection of claim 5 has been withdrawn.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-3, 5, 7, 8** are rejected under 35 U.S.C. 102(b) as being anticipated by JP 10179498.

JP 10179498 discloses an adhesive mold removing cleaning sheet 30 comprising a supporting sheet 32, an active ingredient member 31 comprising a mold removing ingredient, an

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adhesive member 33a similar to 22a, comprising a (liquid-permeable) adhesive (See Figs. 4, 7; Translated text, page 8, [0009]; page 25, [0039]), a liquid-permeable dropping off prevention sheet (an isolating layer) 33 for separating said active ingredient member 31 and said adhesive member 33a, wherein said supporting sheet 32 is made from similar material as said liquid-permeable isolating layer 33, and said cleaning sheet on use being stuck onto an object to be cleaned by applying the adhesive member 33a to the object. See Figs. 8, 9; Translated text, page 5, [0001]; page 6, [0004], paragraph 4; page 32, [0052]) page 33, [0053].

As to claim 2, an adhesive member 33a similar to 22a, comprises a hydrophilic adhesive. See Figs. 4, 7; Translated text, page 8, [0009]; page 25, [0039].

As to claim 3, said mold removing ingredient is provided on said supporting sheet 32, said isolating layer 33 is provided on said active ingredient member 31 to cover said active ingredient member 31, and said adhesive is provided on said isolating layer 33 to form said adhesive member 33a. See Figs. 7, 9.

As to claim 5, said adhesive member 33a is two (a plurality) adhesive bands arranged in parallel in a width direction of said isolating layer 33. See Fig. 7.

As to claims 7, said hydrophilic adhesive contains a polymer selected from (i) a polymer having a salt forming group, (ii) a non-ionic water-soluble polymer, (ii) gelatin, (iv) an emulsion polymer, and (v) a cross-linked product of the polymers (i)-(iv). See Translated text, page 8, [00009].

As to claim 8, a polymer having a salt forming group is a water-soluble sodium styrenesulfonate/methacrylic acid copolymer. See Translated text, page 8, [00009]; page 39, compound No. 7.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10179498.

JP 10179498, as been discussed in paragraph 7, further teaches that the mold removing ingredient is dispersed in a liquid-permeable adhesive, thereby forming an active ingredient member 31; said liquid-permeable adhesive of said active ingredient member 31 can be impregnated with water. See Figs. 4, 7; Translated text, page 21, [0032]; page 22, [0033].

It is the Examiner's position that since the liquid-permeable adhesive of the active ingredient member 31 can be impregnated with water it has through-holes *inherently*.

JP 10179498 fails to teach that the through-holes of the liquid-permeable adhesive of the active ingredient member 31 are perforated through-holes.

It would have been an obvious matter of design choice to form through-holes of the liquid-permeable adhesive of the active ingredient member 31 of any desirable size, since such a modification would have involved a mere change in the size of a components. In re Rose, 105 USPQ 237 (CCPA 1955).

10. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10179498 in view of Royds et al (US 5,466,465).

JP 10179498, as been discussed in paragraph 7, further teaches that an active ingredient member 31 comprises a mold removing ingredient in the form of a plurality of particles dispersed in a hydrophilic adhesive. See Fig. 9; Translated text, page 6, [0004].

JP 10179498 fails to teach that each particle of a plurality of mold removing ingredient particles, which are dispersed in a hydrophilic adhesive of an active ingredient member 31, is covered by an isolating layer, thereby separating the mold removing ingredient and the hydrophilic adhesive in the active ingredient member 31.

However, Royds teaches that encapsulation of each particle of a plurality of active ingredient particles, which are dispersed in an water retaining matrix, allows to control the release rate of the active ingredient. See Fig. 1; Abstract; column 5, lines 14-25.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have covered each particle of a plurality of mold removing ingredient particles with an isolating layer, thereby separating the mold removing ingredient from the hydrophilic adhesive in an active ingredient member of JP 10179498, in order to control the release rate of the active ingredient, as taught by Royds.

It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, although Royds is not in the field of applicant's endeavor, Royds is analogous art since Royds is reasonably pertinent to the particular problem with which the applicant was concerned.

Response to Arguments

11. Applicant's arguments filed December 12, 2001 with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (703) 605-1171. The examiner can normally be reached on 9:00-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

ET

Elena Tsoy
Examiner
Art Unit 1762

February 11, 2002


SHRIVE P. BECK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700